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Attorney for Plaintiff
Wicked Nevada, LLC

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

Wicked Nevada, LLC,)	Case No.: 1:19-cv-413-SOM-KJM
)	(Copyright)
Plaintiff,)	
vs.)	MEMORANDUM OF POINTS
)	AND AUTHORITIES IN
JOHN DOE dba YTS et. al.,)	SUPPORT OF PLAINTIFF'S
)	MOTION FOR LEAVE TO FILE
Defendants.)	FIRST AMENDED COMPLAINT
)	
)	
)	

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
PLAINTIFF'S MOTION FOR LEAVE TO FILE FIRST AMENDED
COMPLAINT

I. BACKGROUND

Plaintiff Wicked Nevada, LLC, (hereafter: "Plaintiff") is the owner of the copyright for the motion picture "*Extremely Wicked, Shockingly Evil and Vile*". See Exhibit 3 [Doc. #1-3] to the Complaint [Doc. #1]. Plaintiff is suing Defendant JOHN DOE for direct infringement of the Work, and for inducing and contributing to the

infringement of Defendants DOES 1-16 via his website YTS.LT.

Subsequent to filing the Complaint, Plaintiff's counsel later became aware that the Company Techmodo Limited, of which Senthil Vijay Segaran is the sole shareholder and director, and which is the registered owner of the website YTS.LT has been reincorporated or revived as a valid legal entity. By the proposed First Amended Complaint ("FAC"), Plaintiff seeks to name Senthil Vijay Segaran as the sole Defendant.

II. LEGAL STANDARD

Federal Rule of Civil Procedure 15(a)(2) permits amendment of the pleadings with the court's leave, which the Court should give freely. *See* Fed. R. Civ. P. Rule 15(a)(2). Courts consider bad faith, dilatory motive on the movant's part, undue delay, prejudice to the opposing party, and futility in reviewing a Plaintiff's request to amend the complaint under Rule 15(a). *See In re Morris*, 363 F.3d 891, 894 (9th Cir. 2004).

III. ARGUMENT

There is no bad faith, dilatory motive or undue delay on Plaintiff's part in seeking to file the FAC. Moreover, there is no prejudice to Defendant since no answer is required of Senthil Vijay Segaran.

The proposed FAC includes the actual identification of Defendant JOHN DOE and deletes the claims against DOES 1-16. Accordingly, the FAC is not futile.

IV. CONCLUSION

Applying the liberal standard set forth in Federal Rule of Civil Procedure, the Court should grant Plaintiff's Motion for Leave to File the FAC because there is no (i) undue delay, (ii) bad faith, (iii) dilatory motive or (iv) undue prejudice and the FAC is not futile.

DATED: Kailua-Kona, Hawaii, November 27, 2019.

CULPEPPER IP, LLC

/s/ Kerry S. Culpepper
Kerry S. Culpepper

Attorney for Plaintiff